

Appl. No. : 10/714,526  
Filed : November 14, 2003

### **REMARKS**

The Applicants thank the Examiner for their careful and thoughtful examination of the present application. By way of summary, Claims 1-24 were pending in this application. In the present amendment, the Applicants have amended the specification, amended the drawings, supplied formal drawings, cancelled Claims 1, 2, 6, 8, 10-12, 14, 16, and 20-23 without prejudice or disclaimer, amended Claims 3, 7, 9, 13, 15, 17 and 24, and added new Claims 25 and 26. Accordingly, Claims 3-5, 7, 9, 13, 15, 17-19, and 24-26 remain pending for consideration.

#### **Allowable Subject Matter - Claims 3-5, 7, 9, 13, 15, 17-19 and 24**

The Applicants also thank the Examiner for the indication of allowable subject matter in Claims 3-5, 7, 9, 13, 15, 17-19 and 24. Pursuant to the Office Action, the Applicants have rewritten Claims 3-5, 7, 9, 13, 15, 17-19 and 24 into independent form to include all of the limitations of the corresponding base claim and any intervening claims. Accordingly, the Applicants respectfully submit that amended Claims 3-5, 7, 9, 13, 15, 17-19 and 24 are now in condition for allowance.

#### **Examiner's Statement of Reasons for Allowance**

The Applicants respectfully disagree with the Examiner's Statement of Reasons for Allowance to the extent that not all the claims include each of the structures or method steps recited in the Examiner's Statement. Also, the Applicants respectfully disagree with the Examiner's Statement to the extent that there is any implication that the patentability of any claim rests on the recitation of a single feature because it is the combination of features recited in each claim that makes that claim patentable.

#### **Response To Drawing Objections**

The Office Action dated March 10, 2006 objected to the drawings because they included reference characters not mentioned in the specification. In particular, in Figure 2, reference characters 200, 202, 207, 210, and 270 are not mentioned in the description. In Figure 4, reference character 422 was not mentioned in the description. In Figure 5, reference character 569 was not mentioned in the description. In Figure 8A, reference character 832 was not mentioned in the description. In Figures 9A-D, reference character 900 was not mentioned in the description. In Figure 10A and 10B, reference characters 1002 and 1004 were not mentioned in the description.

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Replacement drawing sheets and annotated sheets showing drawing changes are enclosed with this Amendment.

The Office Action dated March 10, 2006 objected to the drawings because they did not include reference characters 1318 and 1332. By way of the present Amendment, Applicants have amended the Specification to remove reference to reference characters 1318 and 1332. Accordingly, Applicants respectfully request the Examiner to withdraw the objection to the drawings under 37 C.F.R. 1.84(p)(5).

Accordingly, the Applicants respectfully submit that no new matter is introduced by the proposed drawing changes and therefore respectfully request the Examiner to withdraw the objection to the drawings.

#### **The Specification**

The Applicants have amended paragraph [0061] of the specification to refer to reference character 1308 instead of 1318, and to refer to reference character 1304 instead of 1332. The Applicants respectfully submit that no new matter is being introduced by way of this amendment.

#### **Provisional Double Patenting Rejection**

By this amendment, Applicants have canceled Claims 1 and 10 without prejudice of disclaimer. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of Claims 1 and 10 made on the grounds of the provisional nonstatutory obviousness-type double patenting.

#### **Rejection Of Claims 1-9 Under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected Claims 1-9 under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner stated that lines 2-4 of Claim 1 fail to define the structure of the monitor and Claims 2-9 fail to further limit the structure of the monitor. By of this amendment, Applicants have canceled Claims 1, 2, 6, and 8 without prejudice of disclaimer. With respect to Claims 3-5, 7, and 9, Applicants have clarified, without altering their scope, the claim language. These claim clarifications are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such clarifications. Accordingly, withdrawal of the rejection of Claim 1-9 under 35 U.S.C. § 112, second paragraph is requested.

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**New Claims**

New Claims 25-26 have been added to more fully define the Applicant's invention and are believed to be fully distinguished over the prior art of record.

**Request For Telephone Interview**

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Applicants' undersigned attorney of record hereby formally requests a telephone interview with the Examiner. The Applicants' attorney can be reached at (949) 721-2923 or at the number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/9/06

By: 

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Registration No. 57,046  
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Customer No. 20,995  
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AMEND

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### **AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include changes to Figs. 2, 4, 5, 8A, 9A-D, 10A, and 10B. The sheets, which include Figs. 1-14, replace the original sheets including Figs. 1-14. In Figure 2, reference characters 200, 202, 207, 210 and 270 have been deleted. In Figure 4, reference character 422 has been deleted. In Figure 5, reference character 569 has been deleted. In Figure 8A, reference character 832 has been deleted. In Figures 9A-D, reference character 900 has been deleted. In Figures 10A and 10B, reference characters 1002 and 1004 have been deleted.

Note (Attachment to amendment will include replacement sheets and annotated sheets showing drawings.)

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PARAMETER COMPENSATED PHYSIOLOGICAL MONITOR

Massi E. Kiani, et al.

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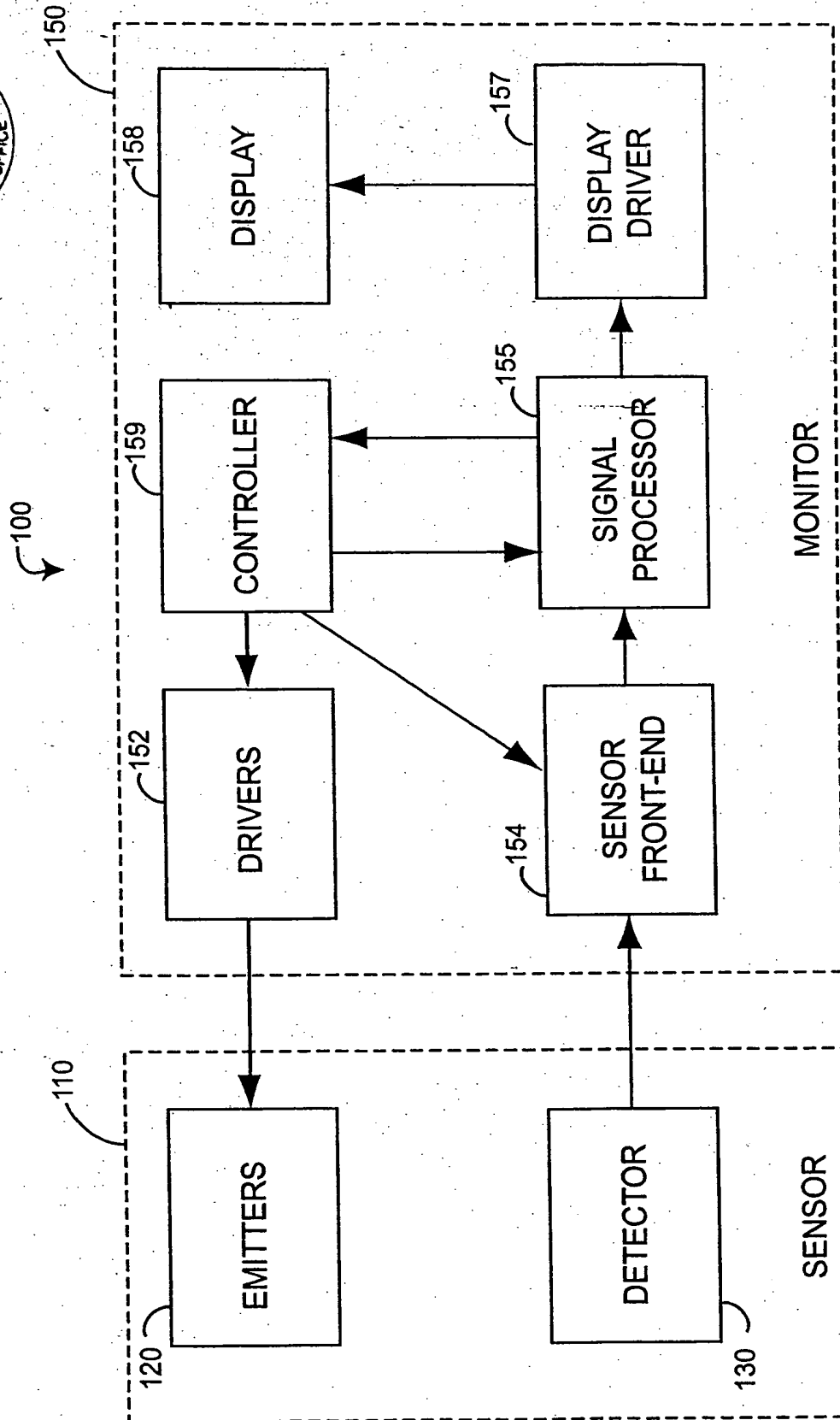
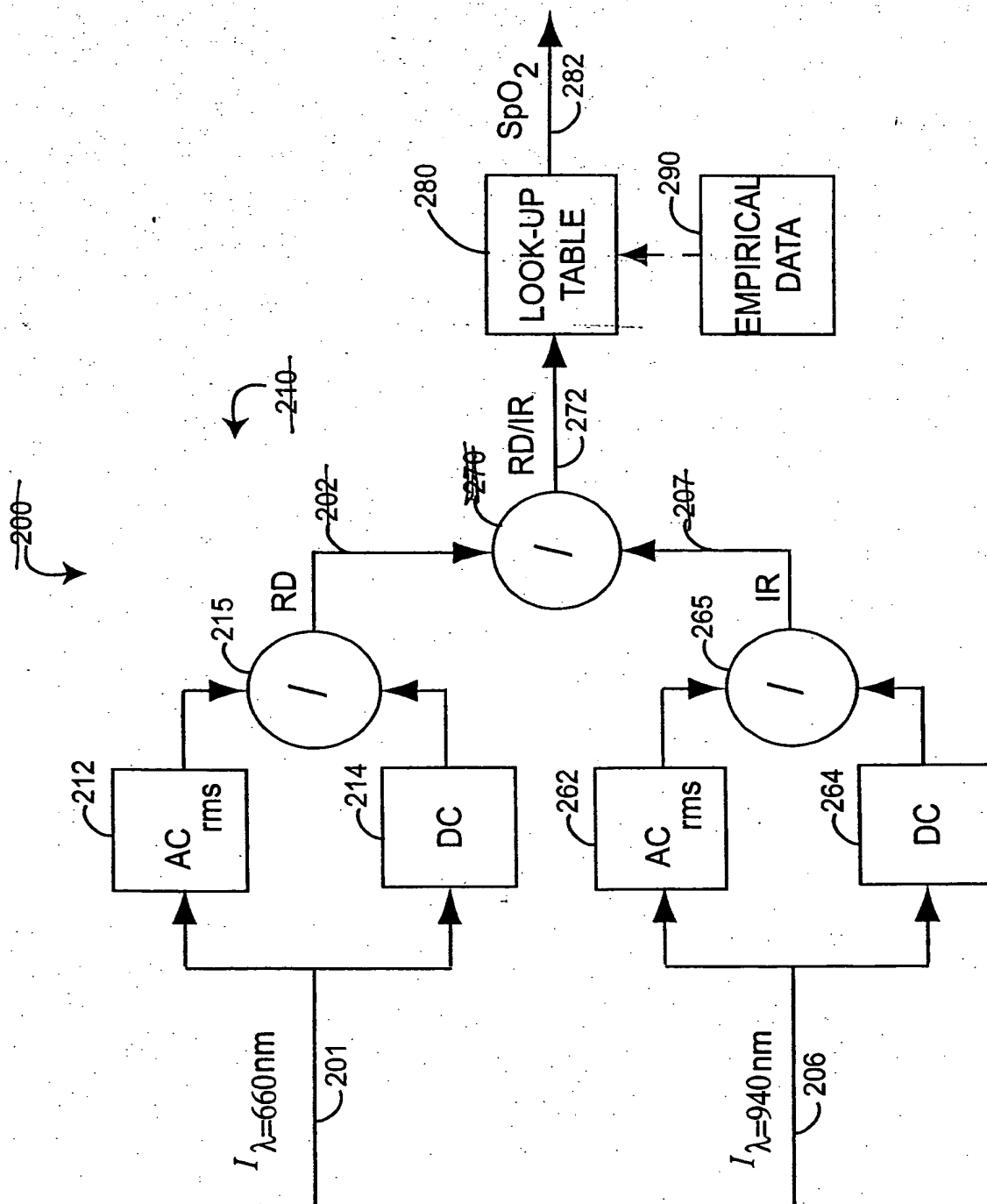


FIG. 1 (Prior Art)



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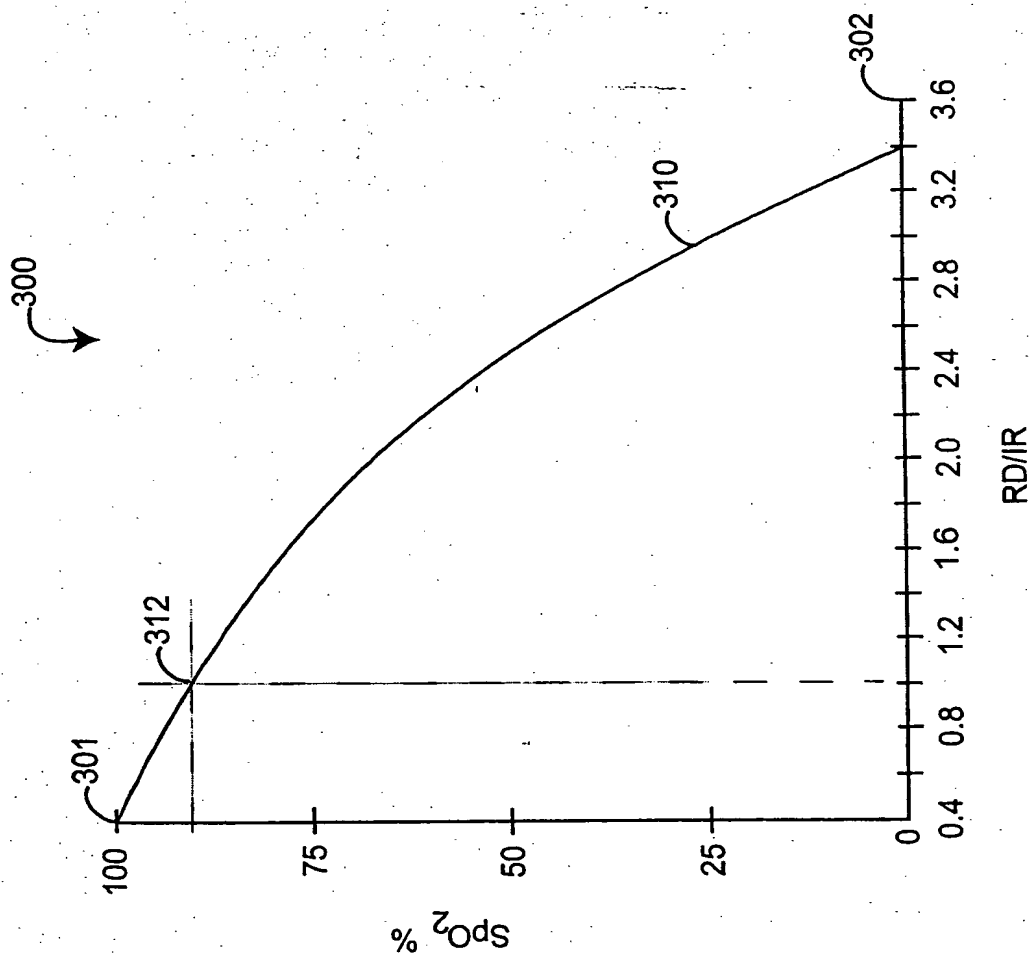


FIG. 3 (Prior Art)

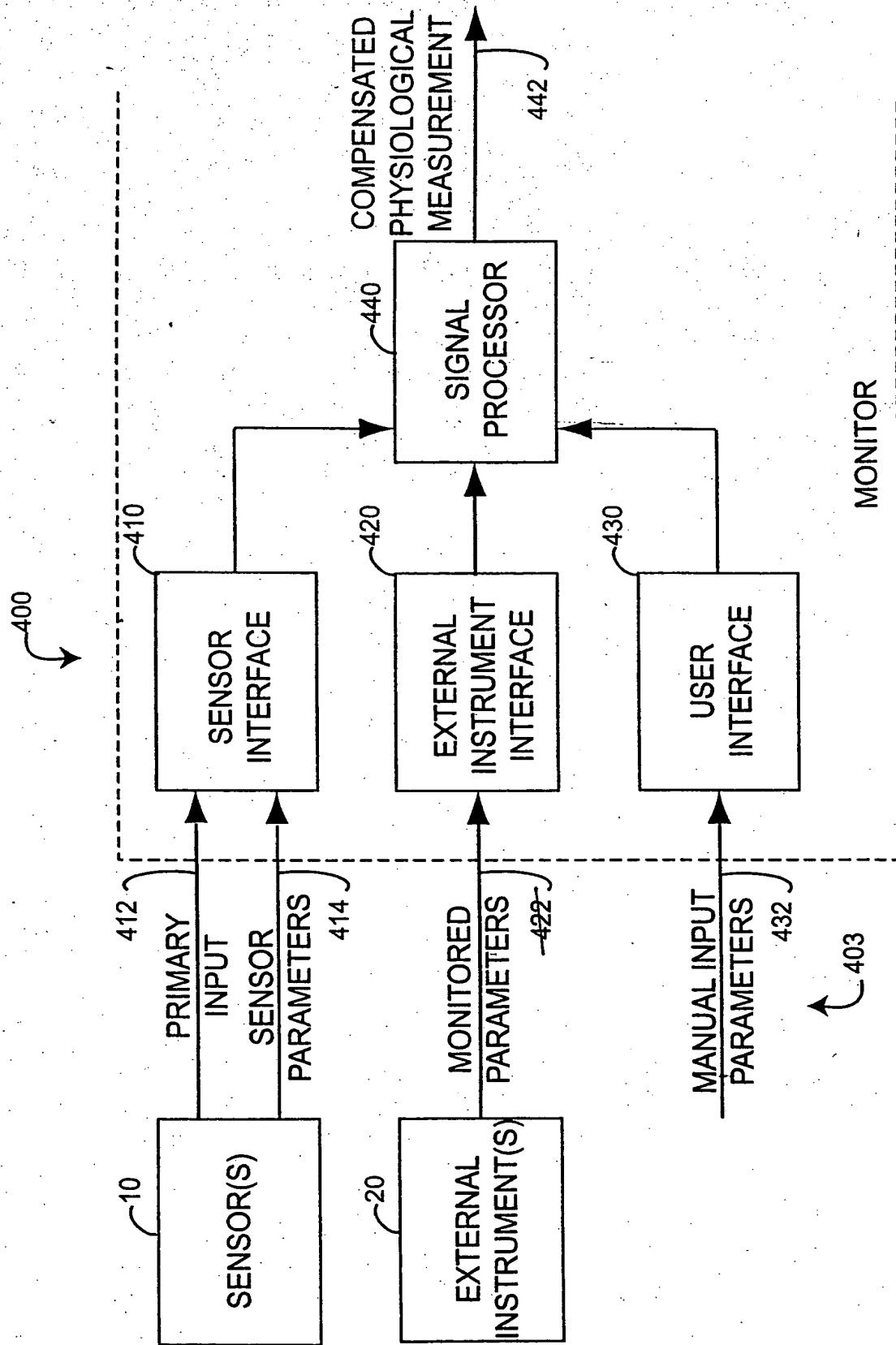


FIG. 4



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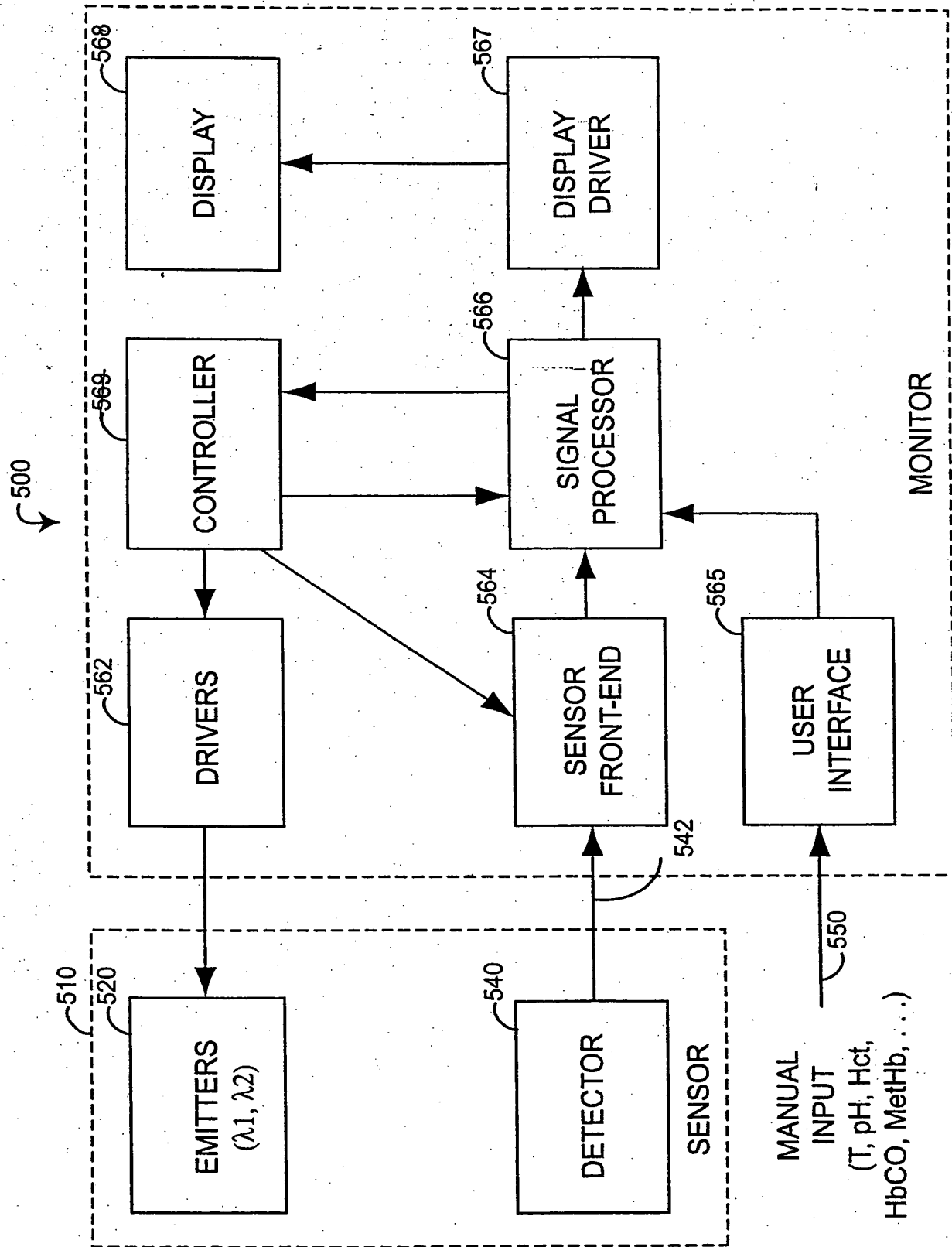


FIG. 5

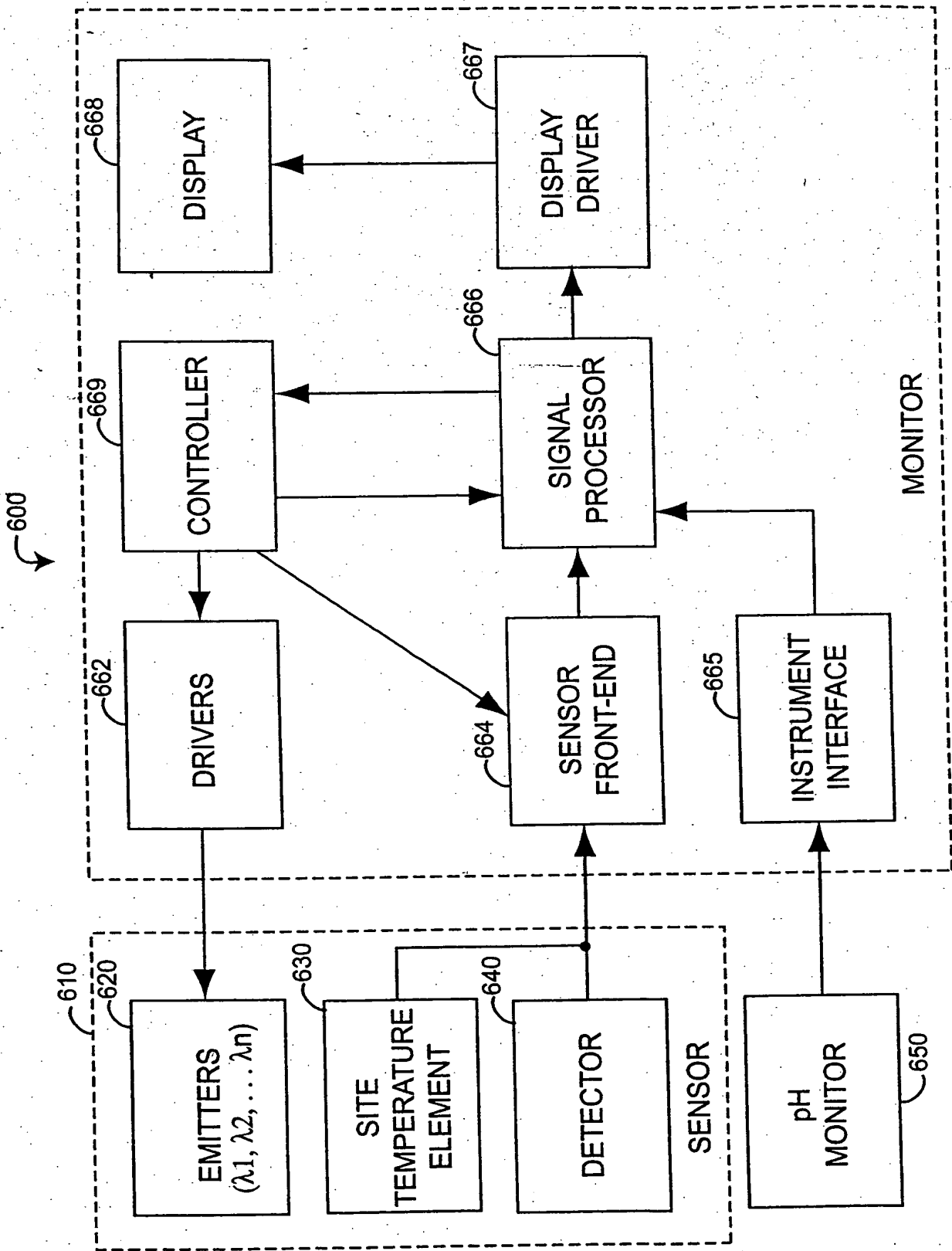


FIG. 6

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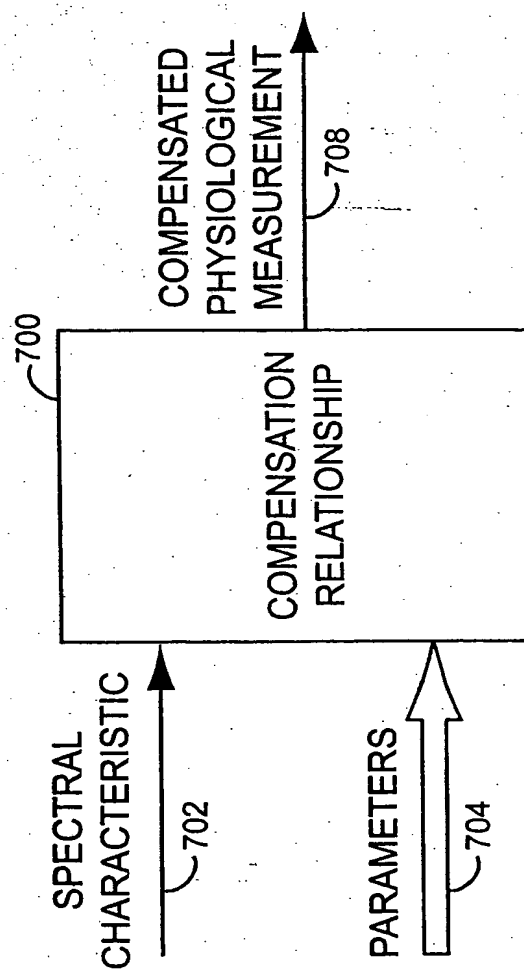


FIG. 7

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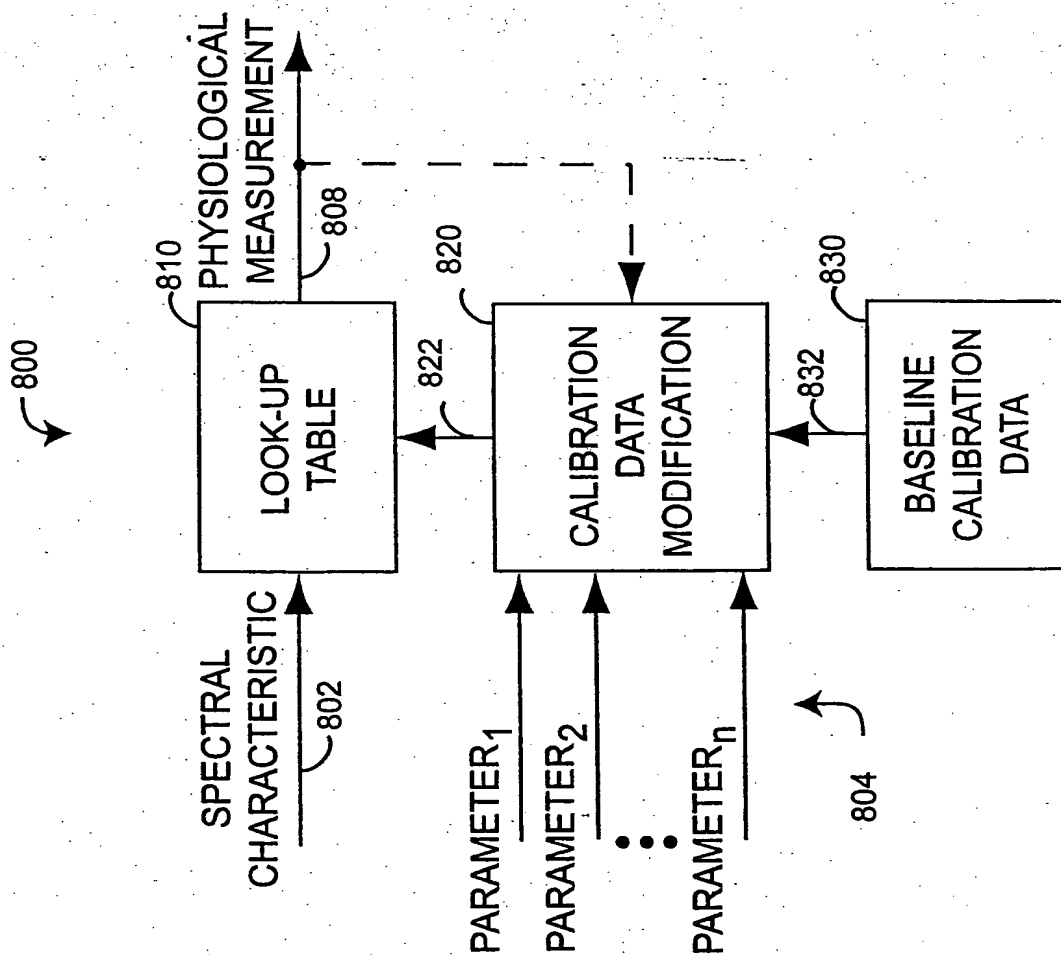


FIG. 8A

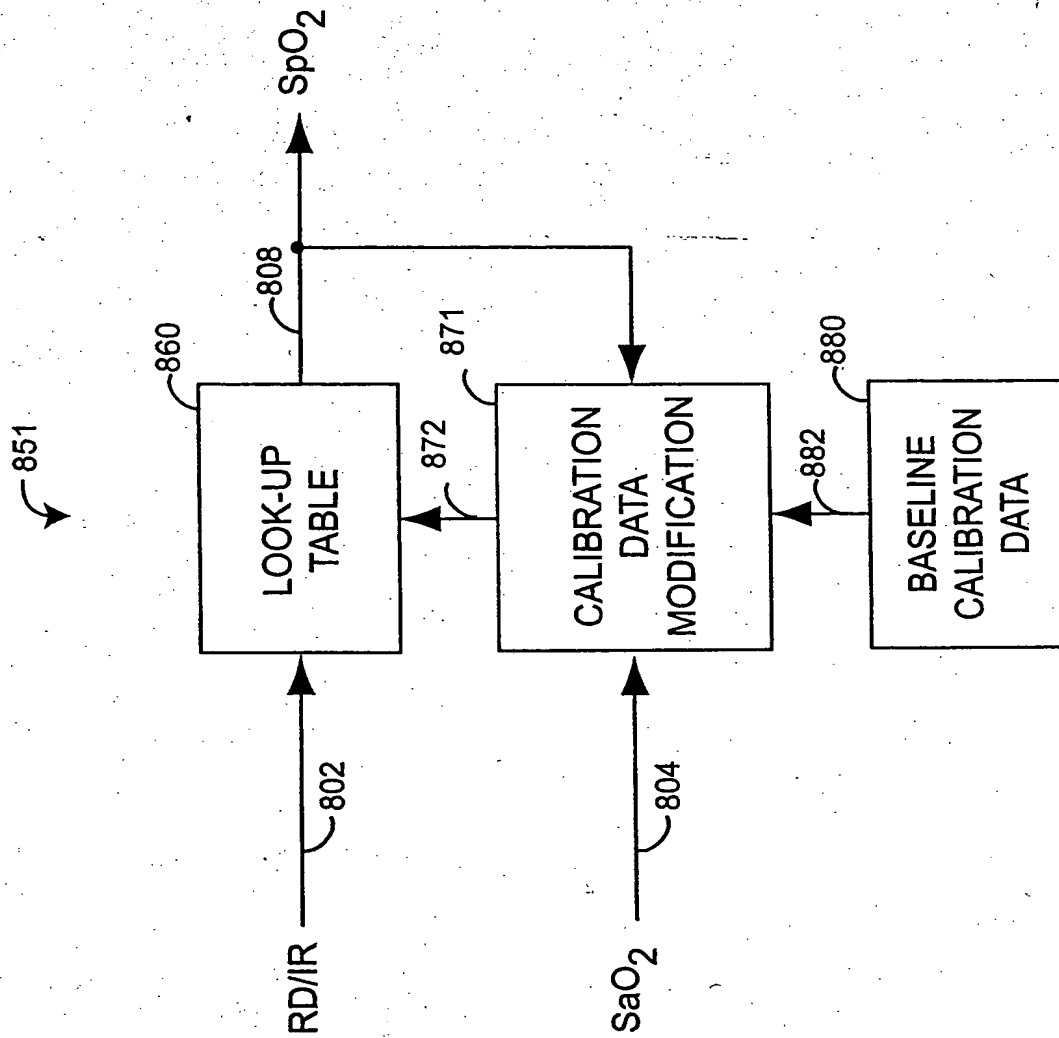


FIG. 8B

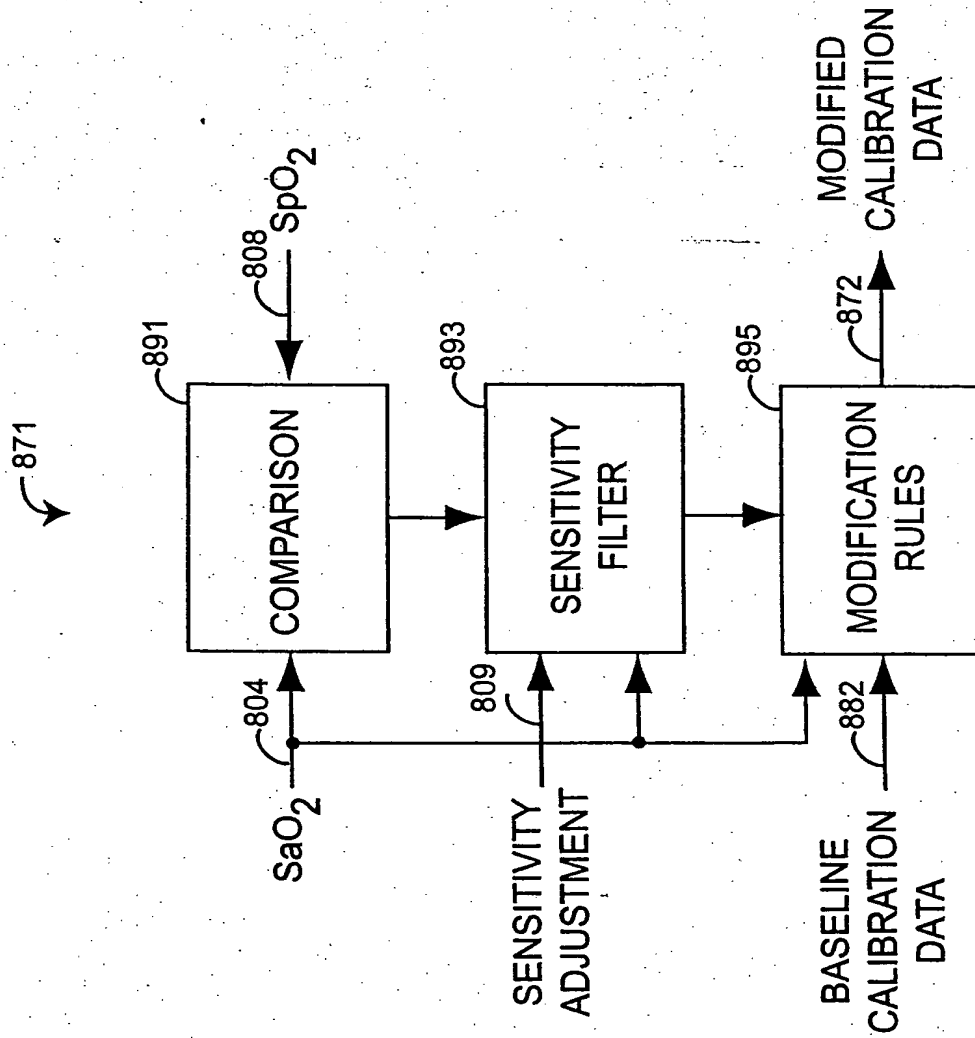


FIG. 8C

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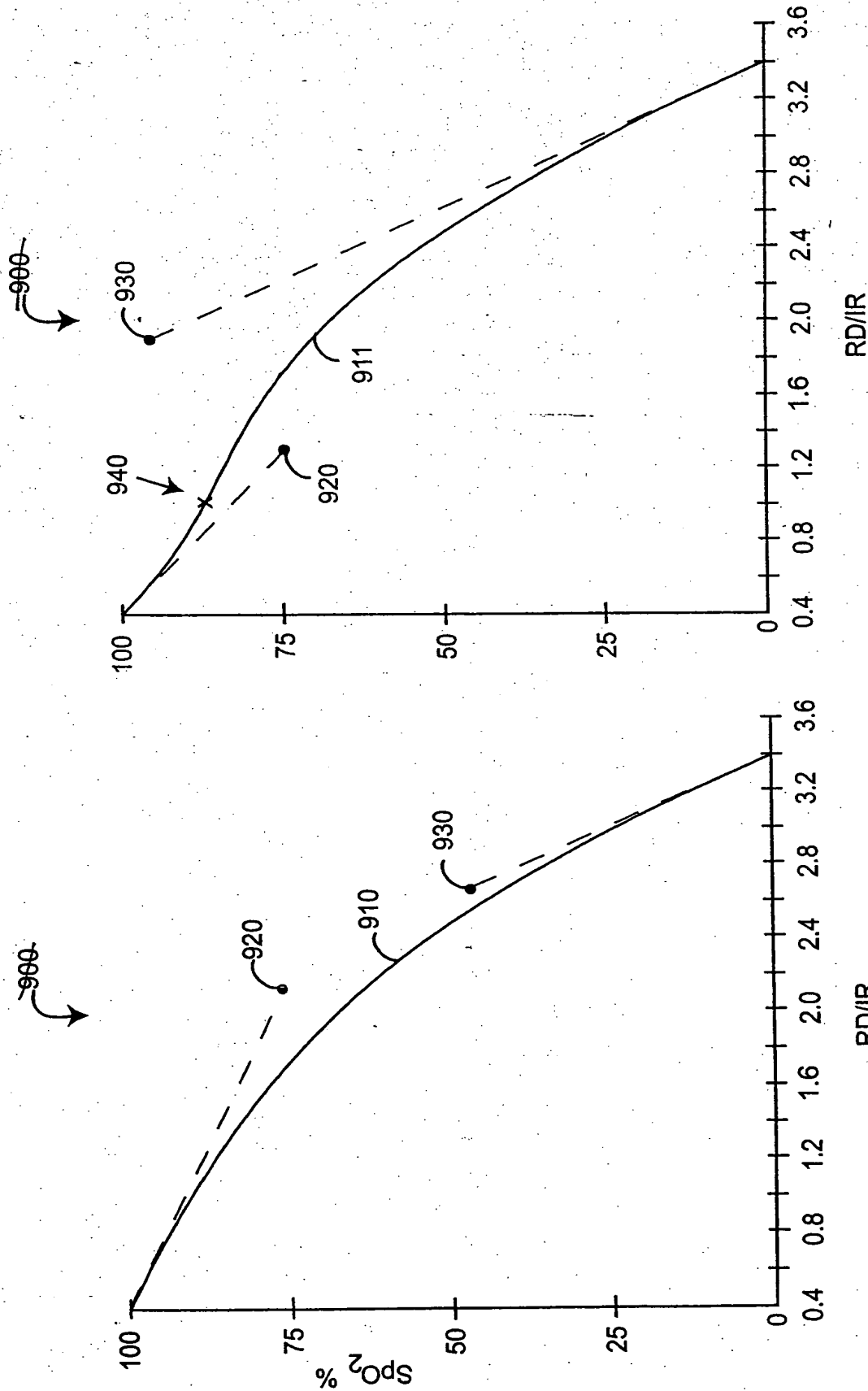


FIG. 9B

FIG. 9A

Reel 1 in 1

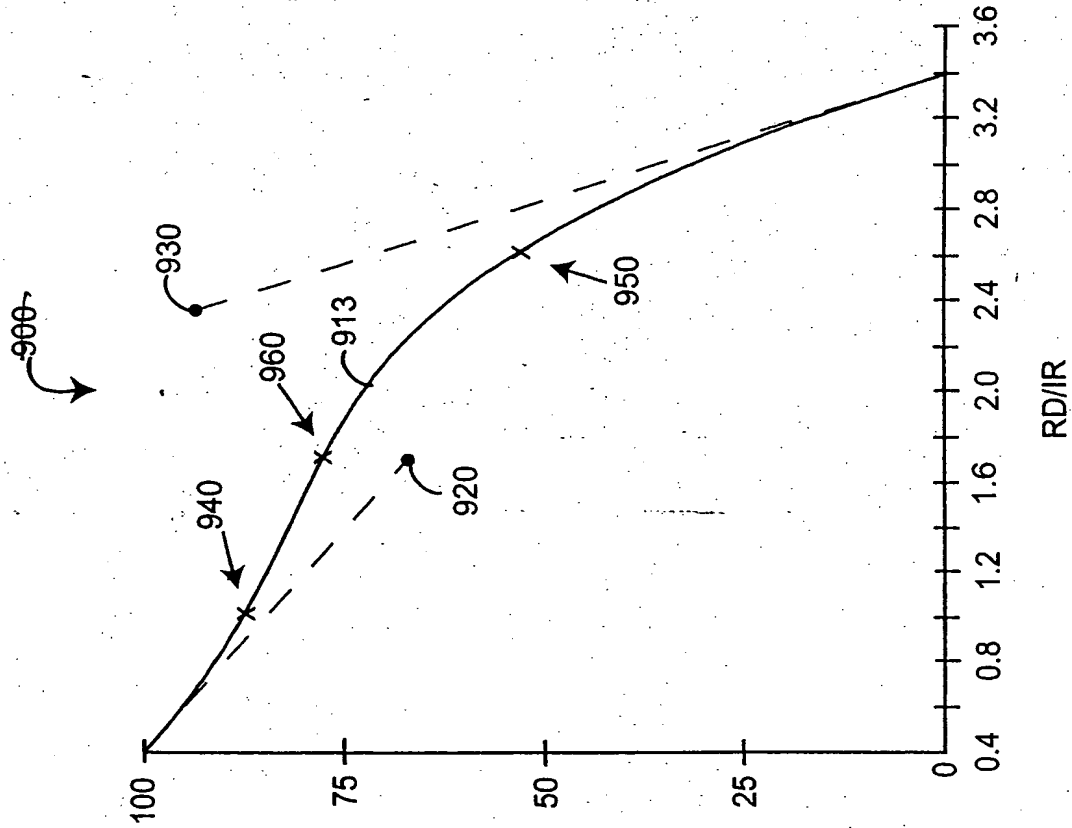


FIG. 9C

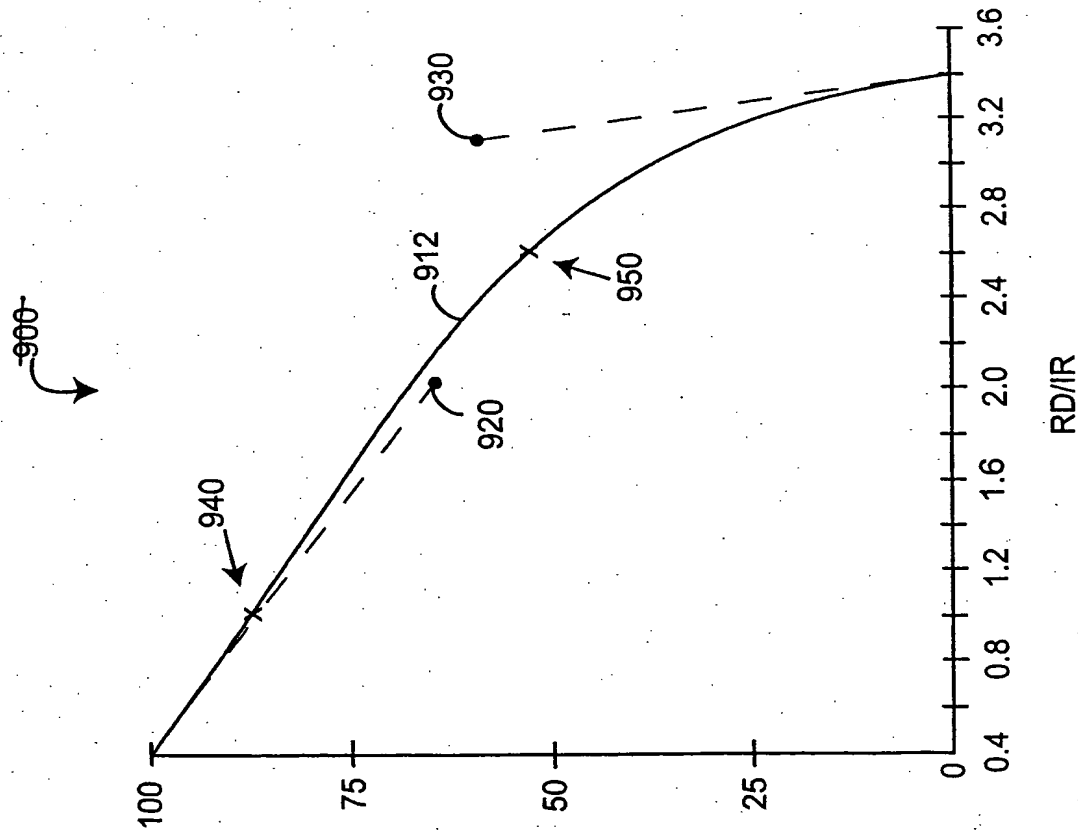


FIG. 9D



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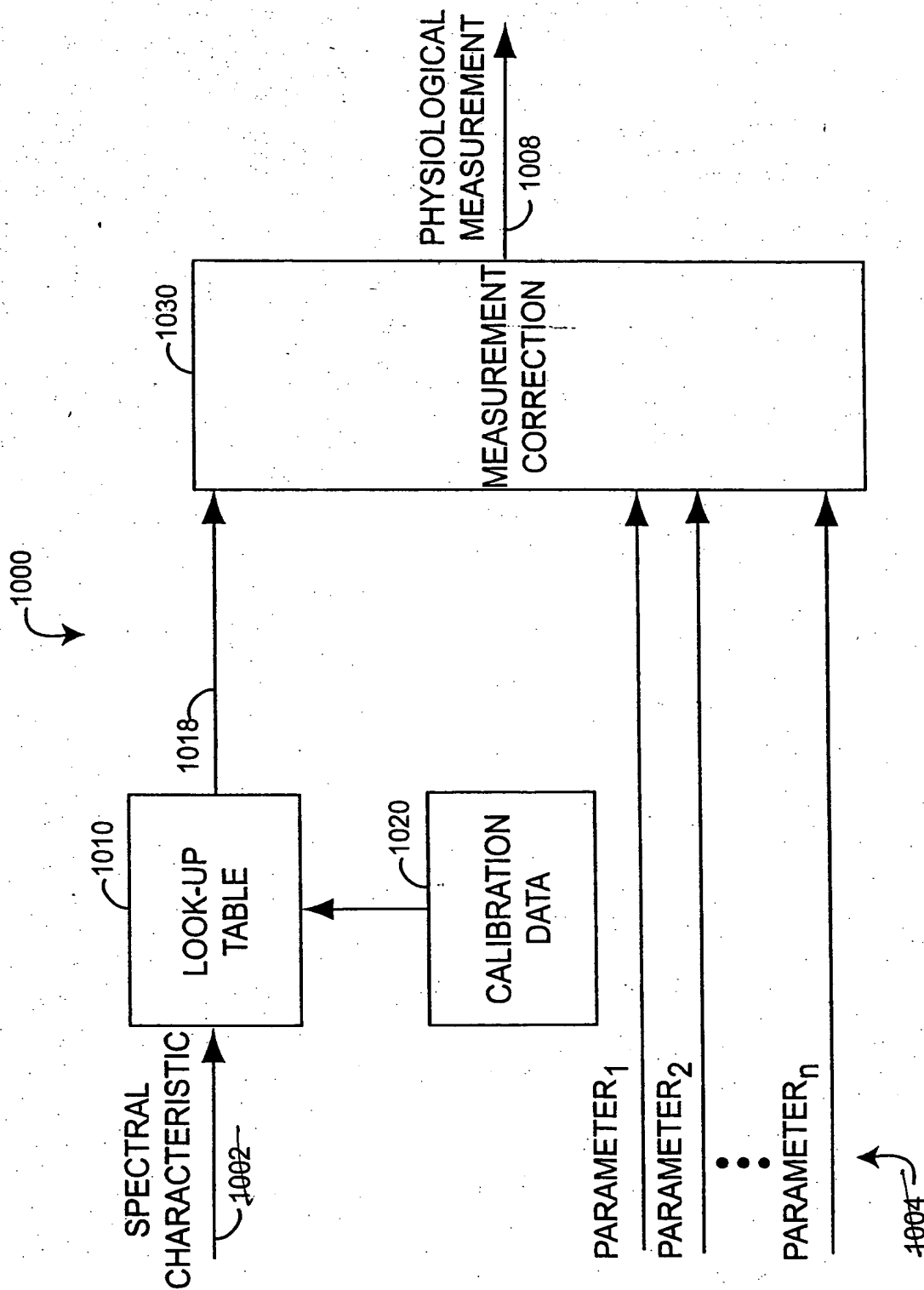


FIG. 10A

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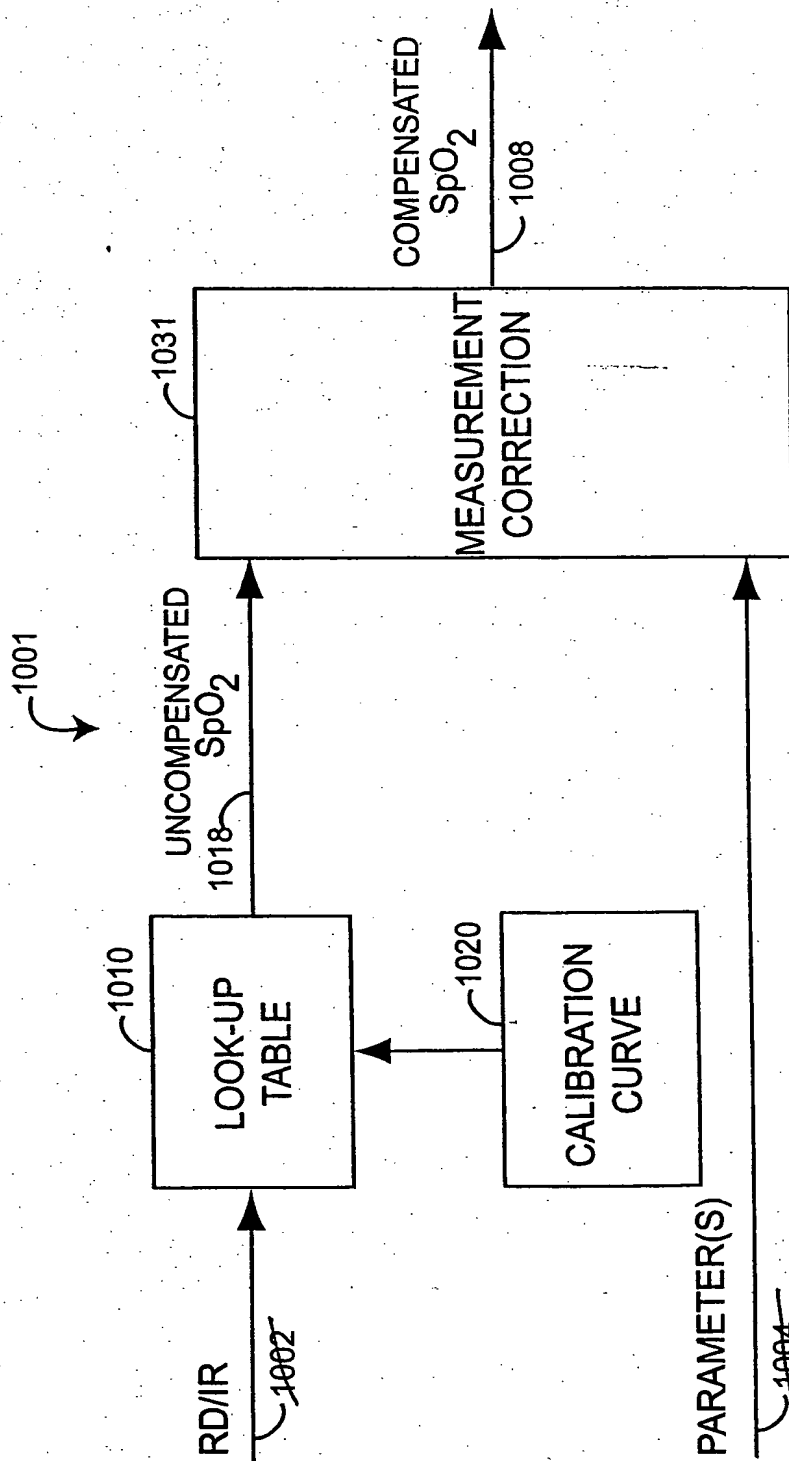


FIG. 10B

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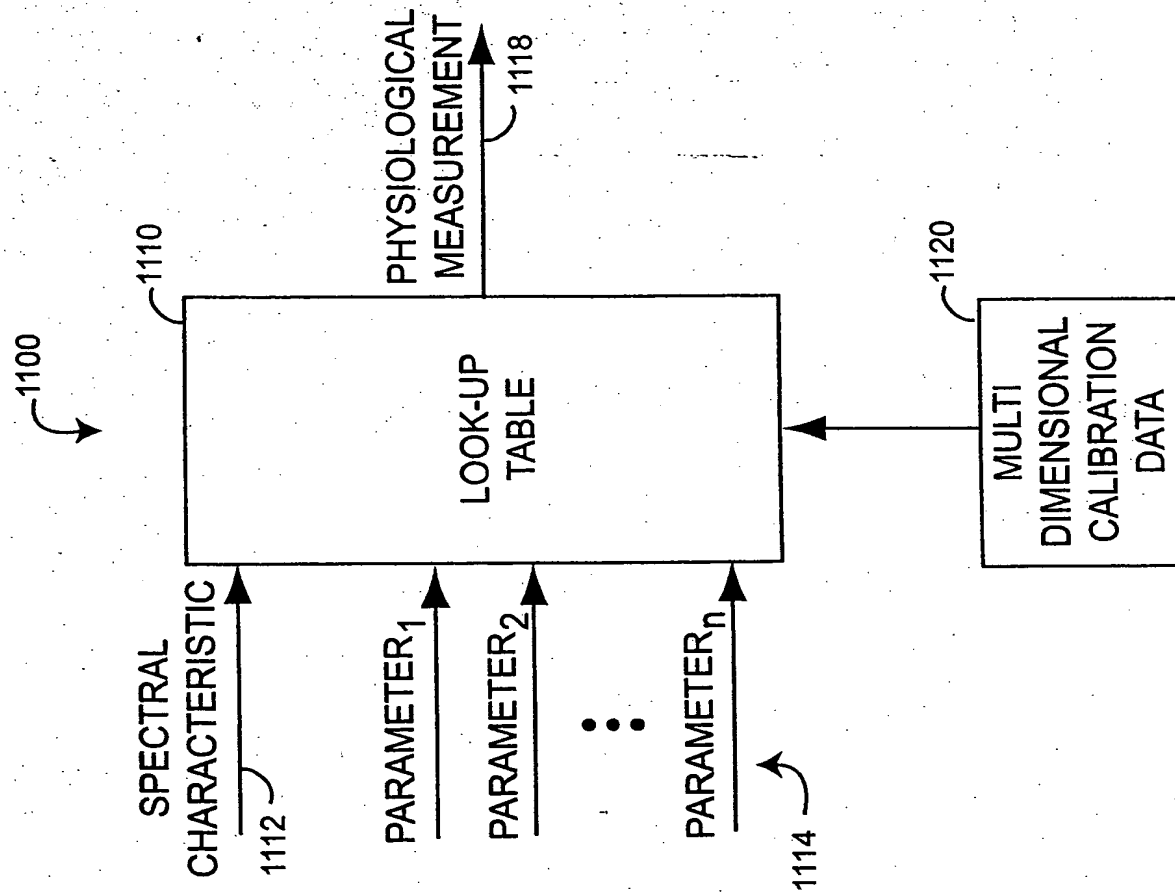


FIG. 11

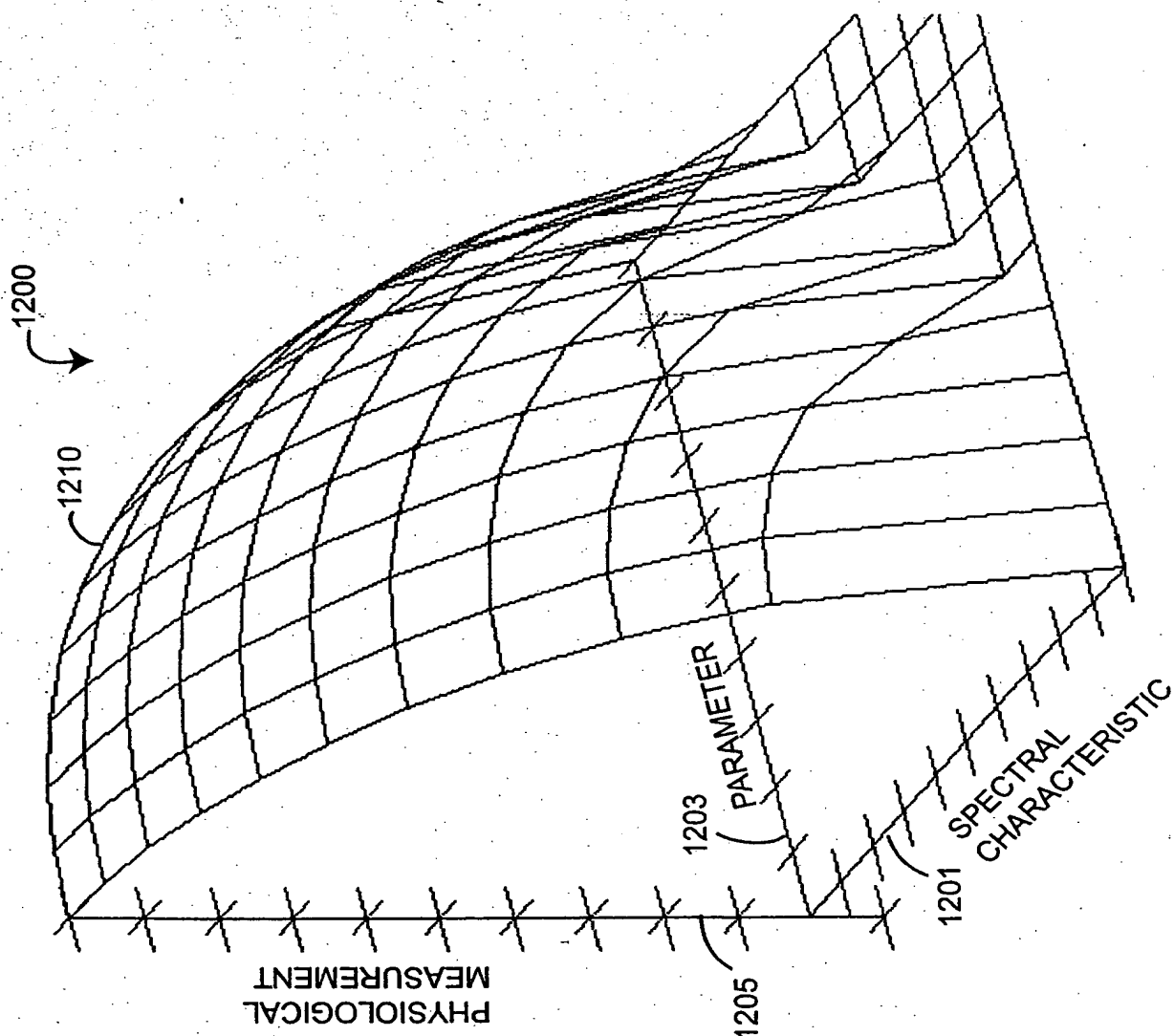


FIG. 12

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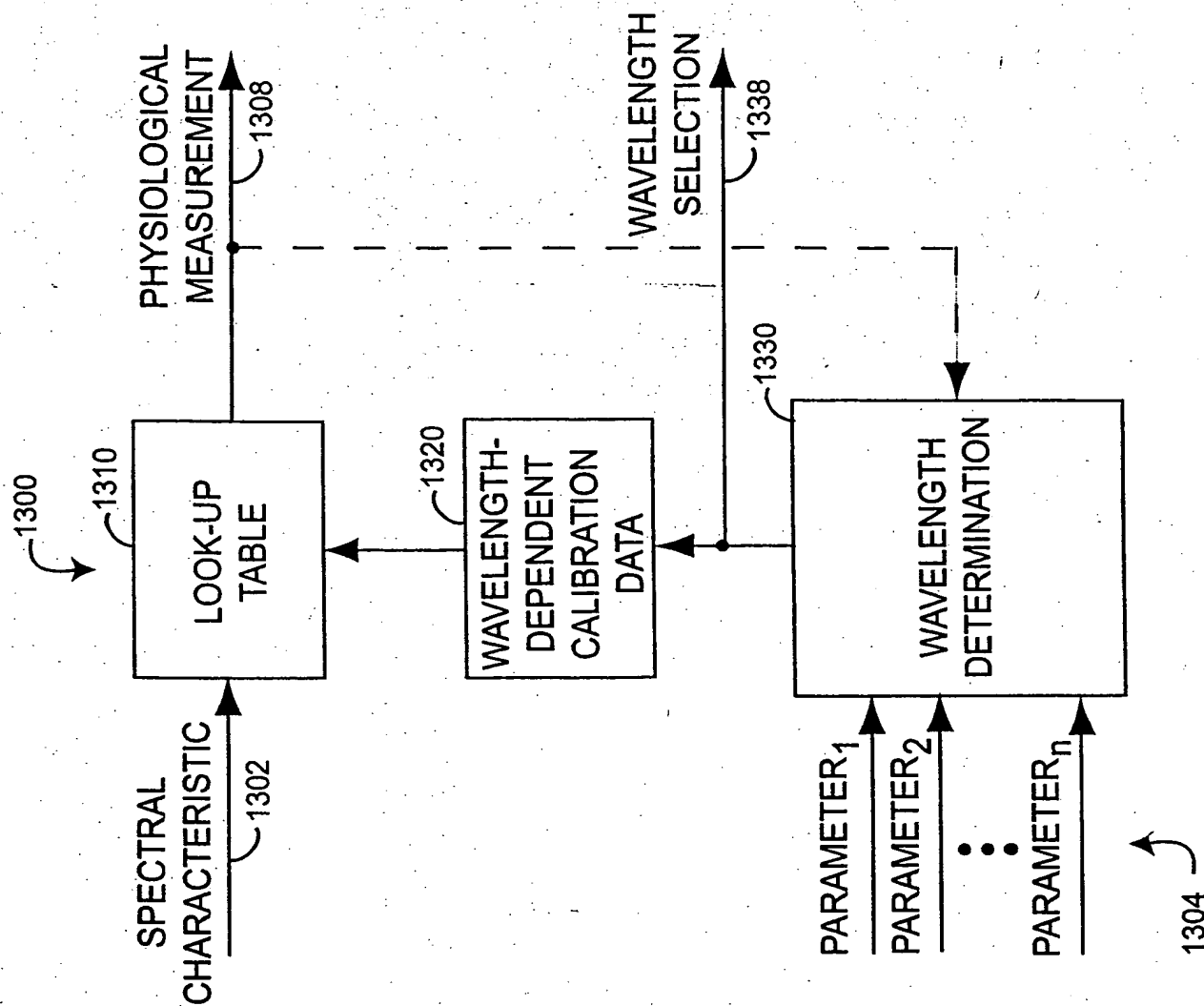


FIG. 13A

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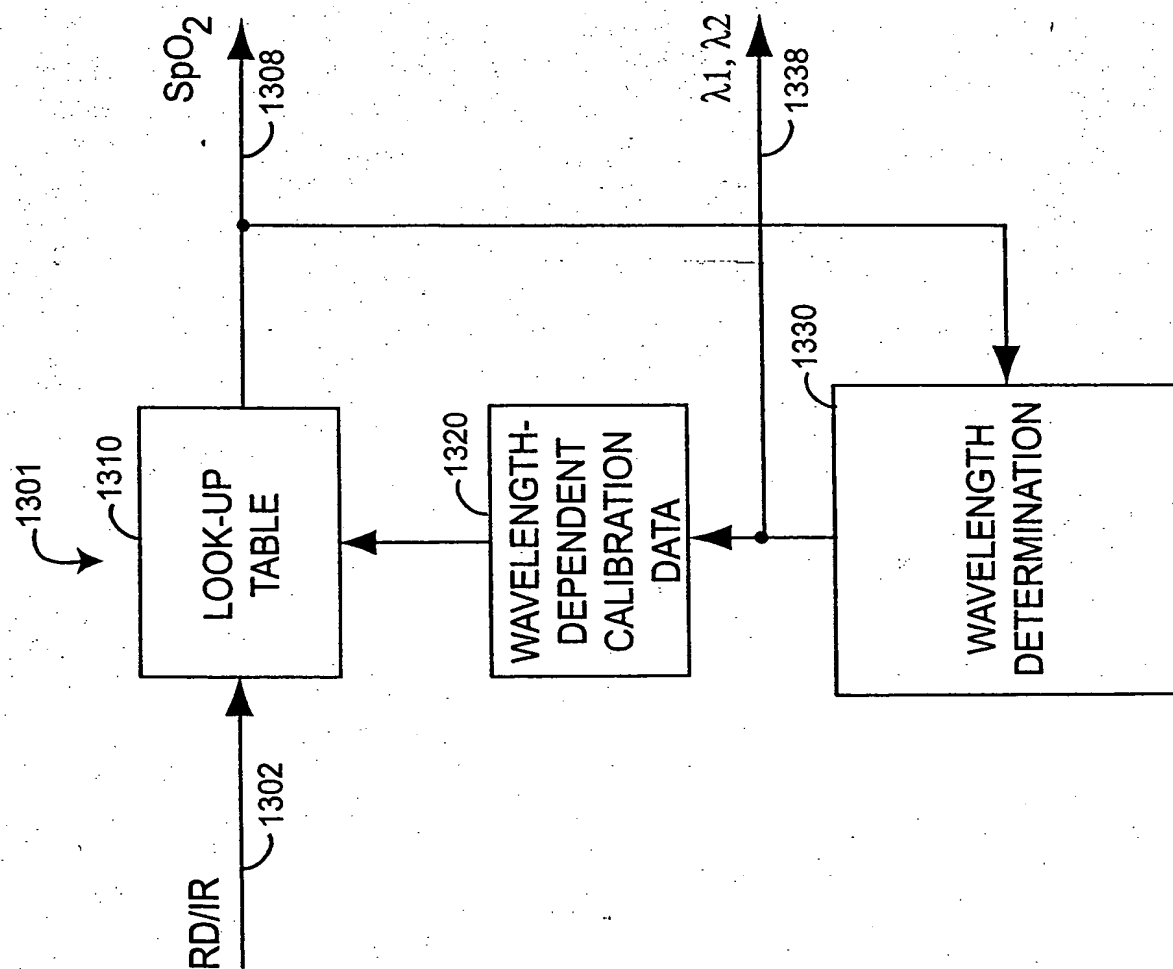


FIG. 13B

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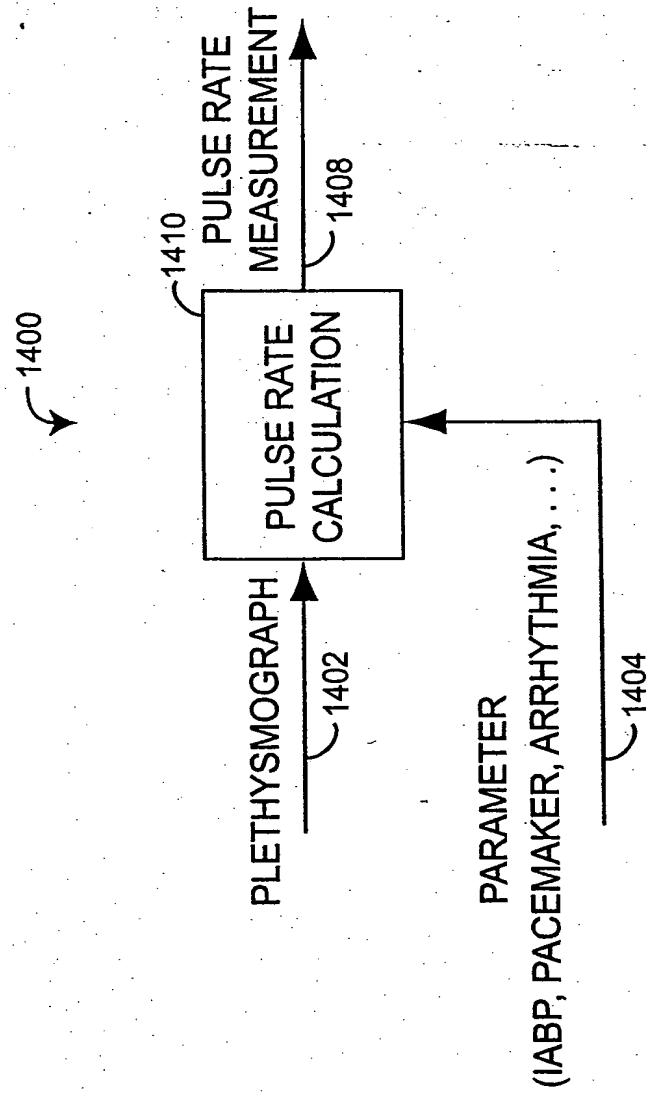


FIG. 14